IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.320 OF 2003

Shri Ganesh Deoram Garude. ..Petitioner.

V/s.

The Kalyan Dombivali Municipal Corporation School Board. ..Contemnors (Org.Respondent.)

Mr. M.D.Naik with S.M.Naik for petitioner.

Ms. P.S.Cardezo, AGP for respondent No.4.

CORAM: A.M.KHANWILKAR,J

DATE : JANUARY 11, 2007.

P.C. :

1. According to the petitioner, the respondents have not fully complied with the assurance given before this Court, on the basis of which writ petition filed by the petitioner came to be disposed of on 7th August, 2002. In the said order in paragraph-3, it is mentioned that counsel appearing for the respondent Nos.1 and 2 assured the Court that the petitioner would be paid special pay as per G.R.dated 19th November, 1999 including the arrears, if any, within six weeks from the date of the order. The petitioner claims that the amount which has been received by the petitioner being sum of Rs.1,46,258/- on 4th May, 2001 and subsequently Rs.2,950/- on

11/12/2003, does not comply with the assurance of fixing the pay of the petitioner in accordance with the G.R.dated 19th November, 1999.

2. This case has been controverted by the respondent on affidavit. It is stated that the respondent as per the order of this Court fixed the pay scale of the petitioner and paid the amount of Rs.1,46,258/- on 4th May, 2001 and subsequently arrears regarding revision of pay scale Rs. 2,950/- on 11th December, 2003.

3. To get over this position, counsel for the petitioner would contend that the real question, which was put in issue by the petitioner in the Writ Petitioner remained unanswered. According to the petitioner, the petitioner was entitled for higher pay-scale, which has not been offered to the petitioner so far. To put it differently, the question whether the petitioner has been paid in accordance with the G.R.dated 19th November, 1999 is a disputed question. The petitioner, if so advised, can get it resolved before the appropriate forum regarding enhanced pay-scale due to him. If such proceeding is resorted to by the petitioner, the same will be decided on its own merits in accordance with

the law.

4. Suffice it to observe that having regard to the pleadings on record, it is not a case for initiating contempt action. Hence, these proceedings are dropped. Notices issued to the contemnors stand withdrawn. All questions on merits of the claim of the petitioner are left open, to be decided on its own merits in accordance with the law.